

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HILARY BEST,

Petitioner,

24-cv-7830 (JGK)

- against -

ORDER

UNITED STATES OF AMERICA,

Respondent.

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JOHN G. KOELTL, District Judge:

The petitioner, Hilary Best ("Best") brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking the release of hip hop artist Sean Combs ("Combs") on bail. For the following reasons, the petition is **dismissed without prejudice**.

Best has not shown that Best is an appropriate "next friend" to Combs. A petition for a writ of habeas corpus may be brought either "by the person for whose relief it is intended or by someone acting in his behalf." 28 U.S.C. § 2242. However, "next friend standing is by no means granted automatically to whomever seeks to pursue an action on behalf of another." Whitmore v. Arkansas, 495 U.S. 149, 163 (1990). An individual seeking to file a petition as "next friend" must meet the following requirements:

First, a 'next friend' must provide an adequate explanation—such as inaccessibility, mental incompetence, or other disability—why the real party in interest cannot appear on his own behalf to prosecute the action.

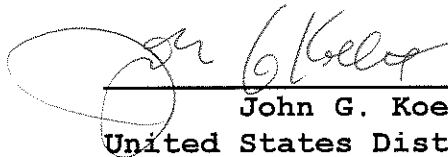
Second, the 'next friend' must be truly dedicated to the best interests of the person on whose behalf she seeks to litigate, and it has been further suggested that a 'next friend' must have some significant relationship with the real party in interest.

Id. at 163-64. "The burden is on the 'next friend' clearly to establish the propriety of his status and thereby justify the jurisdiction of the court." Id. at 164. Best has not shown adequate reason that Combs cannot appear on his own behalf or through counsel who are presently representing him and has not demonstrated any significant relationship to Combs.

For the foregoing reasons, Best's petition for a writ of habeas corpus on behalf of Combs is **dismissed without prejudice**. The Clerk is directed to close this case.

SO ORDERED.

Dated: New York, New York  
October 23, 2024

  
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John G. Koeltl  
United States District Judge